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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

17 RANDALL HIX and LIANA HIX,

18 Plaintiff,

19 vs.

20 ZIMMER BIOMET HOLDINGS, INC.;
21 BIOMET, INC.; BIOMET MANUFACTURING,
22 LLC.; BIOMET ORTHOPEDICS, LLC; and
23 BIOMET U.S. RECONSTRUCTION, LLC;

24 Defendants.

Case No.: 3:18-cv-00437-RCJ-WGC

Honorable District Judge Robert C. Jones
Honorable Magistrate Judge William G. Cobb

**ORDER GRANTING DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO SUBMIT REPLY BRIEFS
IN SUPPORT OF ZIMMER BIOMET
HOLDINGS' MOTION FOR
SUMMARY JUDGMENT AND
BIOMET DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT ON
ORDER ON SHORTENING TIME
(FIRST REQUEST) (ECF NO. 296)**

25 Complaint Filed: March 27, 2014
26 Transferred: September 11, 2018
27 Trial Date: Not Set
28

1 Defendant ZIMMER BIOMET HOLDINGS, INC. (“ZBH”) and Defendants
 2 BIOMET, INC., BIOMET MANUFACTURING, LLC., BIOMET ORTHOPEDICS,
 3 LLC, and BIOMET U.S. RECONSTRUCTION, LLC (“Biomet”) by and through their
 4 undersigned counsel, respectfully move the Court for a short, 10-day extension to submit
 5 their reply briefs in support of their respective Motions for Summary Judgment, submitted
 6 to the Court on June 21, 2021 (ECF Nos. 272, 273). ZBH and Biomet respectfully make
 7 this Motion on order shortening time pursuant to LR IA 6-1(d). Given that Plaintiffs’
 8 opposition briefs were filed July 12, 2021, and ZBH’s and Biomet’s deadline to submit
 9 reply briefs are one week away, on July 26, 2021, an expedited ruling is necessary to
 10 inform ZBH and Biomet on the appropriate timeline to prepare and coordinate their reply
 11 brief submissions. Declaration of Theodore O’Reilly (“O’Reilly Decl.”), ¶ 3. If this
 12 Motion were to be decided on a standard briefing timeline, this Motion would be moot.
 13 *Id.*

14 Biomet’s and ZBH’s counsel attempted to confer with Plaintiffs’ counsel on
 15 this matter, but Plaintiffs’ counsel refused to stipulate to this extension without imposing
 16 conditions on Biomet and ZBH that are unrelated to the pending summary judgment
 17 motions. Good cause exists to extend the reply deadlines for the following reasons:

- 18 1. On July 9, 2021, Plaintiffs moved the Court for permission to file an
 19 overlength response to Biomet’s motion for summary judgment. (ECF No. 286.)
- 20 2. Biomet did not and does not oppose Plaintiffs’ request to file an overlength
 21 brief.
- 22 3. On July 12, 2021 Plaintiffs filed their oppositions in response to Biomet’s
 23 and ZBH’s motions for summary judgment. (ECF Nos. 289, 291).
- 24 4. Plaintiffs’ opposition to Biomet’s motion is 40 pages long.
- 25 5. Plaintiffs’ opposition to ZBH’s motion is 26 pages long.
- 26 6. Between them, the two opposition briefs purport to rely on over 40 exhibits.
- 27 7. Currently, Biomet’s and ZBH’s replies in support of their motions for
 28 summary judgment are due July 26, 2021.

1 8. In light of Plaintiffs' overlength opposition to Biomet's motion for summary
2 judgment and as a professional courtesy, on July 16, 2021, Biomet's and ZBH's counsel
3 requested that Plaintiffs' counsel stipulate to extend Biomet's and ZBH's reply deadlines
4 from July 26 to August 5, 2021.

5 9. Plaintiffs' counsel refused to agree unconditionally. Instead, Plaintiffs'
6 counsel stated they would agree only if Biomet withdrew its pending motion for sanctions.
7 (*see* ECF Nos. 209 and 251), which is unrelated to Biomet's and ZBH's request, and an
8 improper and irrelevant basis on which to oppose Biomet's and ZBH's request.

9 10. Biomet's and ZBH's requested extension would not prejudice Plaintiffs
10 because the Court has not set a hearing date for the motions for summary judgment.

11 11. Likewise, the Court has not set a trial date in this matter.

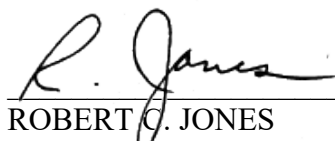
12 12. This is the first such extension that Biomet and ZBH have requested. *Id.* at ¶
13 4.

14 13. This request is not made for the purpose of undue delay. *Id.* at ¶ 5.

15 For the foregoing reasons, good cause exists to extend Biomet's and ZBH's dates
16 by which to file their replies in support of their motions for summary judgment up to and
17 including August 5, 2021.

18
19 **ORDER**

20 **IT IS SO ORDERED.**

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23 ROBERT C. JONES
24 UNITED STATES DISTRICT JUDGE

25 Dated: July 20, 2021.
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